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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WEI *et al.*

Appl. No. 09/826,212

Filed: April 5, 2001

For: **Tumor Necrosis Factor Receptor 5**

Confirmation No. 3523

Art Unit: 1646

Examiner: O' Hara, E.B.

Atty. Docket:
1488.1280006/EKS/EJH/SJE

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First Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on October 2, 2001, in connection with the above-captioned application. A copy of each document is provided.

Applicants wish to bring to the attention of the Examiner that SEQ ID NO:1 and the corresponding cDNA clone of the present invention are related to SEQ ID NO:194270 in copending U.S. Patent Application No. 09/912,293, filed July 26, 2001, and to SEQ ID

NO. 40587, 12875, and 152156 in copending U.S. Patent Application No. 09/912,293, filed July

filed July 26, 2001. Legible copies of those portions of U.S. Patent Application Nos. 09/912,292 and 09/912,293 which caused them to be listed on the attached Form PTO-1449 are submitted herewith as documents **AT8** and **AR9** respectively.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This First Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038

Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: December 27, 2002

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